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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

APR 12 2005

Federal Communications Commission
Office of Secretary

In The Matter of)	MB Docket No. 04-191
)	
San Francisco Unified School District)	
)	
For Renewal of License for Station KALW(FM),)	Facility ID No. 58830
San Francisco, California)	File No. BRED-19970801YA

To: Office of the Secretary, to forward to Chief Administrative Law Judge Richard L. Sippel

**SAN FRANCISCO UNIFIED SCHOOL DISTRICT'S OPPOSITION IN PART TO
ENFORCEMENT BUREAU'S MOTION FOR ADDITIONAL DISCOVERY**

The San Francisco Unified School District ("SFUSD"), by its attorneys, hereby opposes in part the "Enforcement Bureau's Motion for Additional Discovery," dated April 11, 2005 (the "Motion"), which seeks issuance of an order directing SFUSD to produce all requested documents in the "Enforcement Bureau's Fourth Request for Production of Documents from San Francisco Unified School District," dated April 7, 2005 (the "Bureau's Fourth Document Request").

The Presiding Administrative Law Judge ("ALJ") added to the issues to be determined in this proceeding the issue "To determine whether San Francisco Unified School District through its agents made misrepresentations of fact and/or lacked candor before the Commission during, or in connection with, discovery testimony taken by the Enforcement Bureau on September 28, 2004." *Memorandum Opinion and Order*, FCC 05M-17 (rel. April 1, 2005), *as modified*, FCC 05M-20 (rel. Apr. 5, 2005) ("*Memorandum Opinion and Order*"). The burden of proof and of

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proceeding was placed on the Commission. *Id.* In so doing, the Presiding ALJ ordered “that there will be no discovery on the added issue, unless there is a showing with particularity that further discovery is required for meeting burden of proof.” *Id.*

In its Motion, the Bureau requests an order that SFSUD respond to the Fourth Document Request so that the Bureau may obtain documentary evidence to “enable the Bureau to establish whether, and to what extent, the General Manager and Operations Manager may have misrepresented facts and/or lacked candor during the Bureau’s deposition regarding these individuals’ possible involvement in providing false responses to the Commission in April 2001.” Motion ¶ 3.

SFUSD opposes the Motion in part, and objects in part to the Bureau’s Fourth Document Request, to the extent that the Bureau seeks documents for time periods before the Mass Media Bureau’s February 5, 2001 letter of inquiry (the “LOI”) and after April 6, 2001, when SFUSD’s response (the “April 6, 2001 Response”) to the LOI was filed. As set forth in the *Memorandum Opinion and Order*, and as conceded by the Enforcement Bureau in its Motion, the added issue relates to responses during depositions concerning the April 6, 2001 Response. Thus, SFUSD has no objection to the Fourth Document Request to the extent that the Bureau seeks documents that were not already produced in response to prior requests which relate to the issue at hand – the April 6, 2001 Response. However, the open-ended nature of the Fourth Document Request extends to periods both far in advance of, and far after, the relevant February–April 2001 time period. Consequently, SFUSD requests that the Presiding ALJ limit the Bureau’s Fourth

Document Request to documents relating to the KALW public inspection file and the April 6, 2001 Response that were generated between February 5, 2001 and April 6, 2001.

SFUSD notes that, as before, it will not interpose the attorney-client and/or attorney work product privilege for documents requests relating to the time period up to April 6, 2001, based on its understanding that such documents will be placed under seal and/or a protective order, and will not be made part of the public record, unless both parties agree, or if ordered for good cause by the Presiding ALJ.

Respectfully submitted,

**SAN FRANCISCO UNIFIED
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April 12, 2005

Certificate of Service

I, Marissa G. Repp, hereby certify that on this 12th day of April, 2005, a copy of the foregoing **San Francisco Unified School District's Opposition in Part To Enforcement Bureau's Motion For Additional Discovery** was sent by hand-delivery to:

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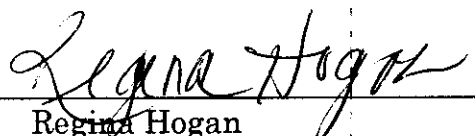
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